

All communications respecting this case should identify it by number and names of parties.



UNITED STATES DEPARTMENT OF COMMERCE  
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PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Applicants: C. Richard Schlegel  
Serial No.: 08/216,506  
Filed: 03/22/94  
For: Human Papillomavirus Vaccines  
Containing Conformationally Correct  
L1 Capsid Proteins  
Accorded Benefit: U.S. Application  
07/903,109, filed 06/25/92

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., as amended. See Notice of Final Rule, 60 Fed. Reg. 14488 (March 17, 1995), corrections printed in 60 Fed. Reg. 16920 (April 3, 1995). See also 1173 O.G. 384 (April 18, 1995). The interference is designated as No. 103,929.

By direction of the Commissioner of Patents and Trademarks and as required by 35 USC 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

Serial No. 08/215,506

The parties involved in this interference are:

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Application: 08/207,309, filed 03/07/94

Title: Production of Human Papillomavirus Capsid  
Protein and Virus-Like Particles

Assignee: None

Attorneys: Michael L. Goldman

Associate: None

Accorded benefit: U. S. Application 08/028,517, filed 03/09/93

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Application: 08/484,181, filed 06/07/95

Title: Self-Assembling Recombinant Papillomavirus  
Capsid Proteins

Assignee: None

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Title: Human Papillomavirus Vaccines Containing  
Conformationally Correct L1 Capsid Proteins

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Accorded benefit: U.S. Application 07/903,109, filed 06/25/92

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Application: 08/185,928, filed 01/19/94

Title: Papillomavirus Vaccines

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Accorded benefit: PCT/AU92/00364, filed 07/20/92  
Australia PK7322, filed 07/19/91

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COUNT 1

(A) An isolated recombinantly produced human papillomavirus L1 protein, wherein said protein reproduces the antigenicity and exhibits the same conformation as an L1 major capsid protein expressed on the surface of intact human papillomavirus virions; or

(B) A papillomavirus virus-like particle made by the method which comprises:  
constructing a recombinant DNA molecule that contains a sequence encoding a papillomavirus L1 protein;

transfecting a host cell with the recombinant DNA molecule;

expressing papillomavirus L1 protein in the host cell; and

obtaining papillomavirus virus-like particles from the transfected host cell; wherein the papillomavirus is not HPV 16; or

(C) Isolated papillomavirus capsids comprising an L1 polypeptide which contains at least one conformational epitope and is capable of inducing high-titer neutralizing antibody, produced by the method comprising:

permitting a genetic construct, comprising a papillomavirus L1 gene, to direct recombinant expression and self-assembly of papillomavirus capsids comprising the L1 polypeptide in a transformed eukaryotic host cell; and isolating said self-assembled capsids; or

(D) An isolated non-infectious human papillomavirus virus-like particle or capsomere comprising a human papillomavirus L1 capsid protein which is conformationally correct and is recognized by antibodies present in sera obtained from human patients infected with the human papillomavirus.

Serial No. 08/216,506


The claims of the parties which correspond to the count  
are:

Rose et al.: Claims 35-37, 42-45, 48, 50, 52-57, 59, 61-65,  
67-72, 75-77, 79-89, 91

Lowy et al.: Claims 34-49

Schlegel et al.: Claims 1-3, 10-19, 21-26, 46-47 and 50-66

Frazer et al.: Claims 65-80, 89-100

  
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